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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,684	08/05/2003	Mitsuhiro Naitou	116184	6874

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EXAMINER

WEINMAN, SEAN M

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,684

Applicant(s)

NAITOU ET AL.

Examiner

Sean Weinman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/29/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-21 are presented for examination.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: reference characters S1-S5 and S11-S17 from figures 4-6 are not mentioned in the description. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

4. Claims 6, 8, 14, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 6 recites " a communication-ready state" in line 2. It is unclear whether this is intended to be the same as or different from the communication-ready state recited in claim 1 line 6.

6. Claim 8 recites " a communication-ready state" in line 2. It is unclear whether this is intended to be the same as or different from the communication-ready state recited in claim 1 line 6.

7. Claim 14 recites " a communication-ready state" in line 2. It is unclear whether this is intended to be the same as or different from the communication-ready state recited in claim 9 line 7.

8. Claim 17 recites " a communication-ready state" in line 2. It is unclear whether this is intended to be the same as or different from the communication-ready state recited in claim 9 line 7.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claim 1, 9, 16, 18, 19, 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kirkhart et al. (US Patent No. 6,282,495).

11. As per claim 1, Kirkhart et al. teach the claimed invention, comprising:

A power management system for a communication device (Col. 1 lines 57-58),
comprising:

an accessory-signal generating device (Col. 5 lines 43-57. Kirkhart et al. does not explicitly detail an accessory-signal generating device but it is inherent that one must be present in order to inform the navigation system whether the engine is running or the vehicle is occupied);

the communication device (Figure 2 Reference character 20); and

a power management device for supplying electric power to the communication device if the accessory-signal generating device is not generating accessory signals and the communication device is in a communication-ready state (Figure 4 Reference character 93 and Col. 4 lines 61-65 and Col. 5 lines 8-16).

12. As per claim 9, Kirkhart et al. teach the claimed invention, comprising:

A power management system for a communication device (Col. 1 lines 57-58),
comprising:

an accessory-signal generating device (Col. 5 lines 43-57. Kirkhart et al. does not explicitly detail an accessory-signal generating device but it is inherent that one must be present in order to inform the navigation system whether the engine is running or the vehicle is occupied);

a first communication device (Figure 2 Reference character 20);

a second communication device (Figure 2 Reference character 44 and Col. 5 lines 26-30);

a power management device for supplying electric power to the second communication device if the accessory-signal generating device is not generating accessory signals and the first communication device is in a communication-ready state (Figure 4 Reference character 93 and Col. 4 lines 61-65 and Col. 5 lines 8-16); and

a startup management device for activating at least the first communication device upon receipt of startup-signals from the second communication device (Col. 5 lines 26-37).

13. As per claim 16, Kirkhart et al. teach the claimed invention, comprising:

the second communication device is a specific low-power radio communication device (Figure 2 Reference character 44 and Col. 5 lines 26-30).

As per claim 18, Kirkhart et al. teach the claimed invention, comprising:

a storage device for storing data transmitted from the first communication device (Col. 2 line 67 and Col. 3 lines 1-5).

14. As per claim 19, Kirkhart et al. teach the claimed invention, comprising:

wherein the startup-signals are generated by the second communication device when the second communication device receives a transmission from a remote device (Figure 2 Reference character 44 and Col. 5 lines 26-30).

15. As per claims 20 and 21, it is directed to the method of managing a power supply for the communication apparatus as set forth in claims 1 and 9. Since Kirkhart et al. teach the claimed power management system for a communication apparatus, Kirkhart et al. teach the method of managing the power supply for the communication apparatus.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 2-8, 10-15, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Kirkhart et al. (US Patent No. 6,282,495), in view of Bokhorst et al. (US Patent No. 6,192,230).

18. As per claims 2 and 10, Kirkhart et al. teach the claimed power management system for a communication device for the reasons stated above. Kirkhart et al., however, does not teach the power management system supplying power to the communication device when there exists an access point through which communication is established. Specifically, Kirkhart et al. teach a power management system for wireless communication, which supplies power to communication devices when they are in a ready state, and an accessory signal is not present. Additionally, Kirkhart et al. teach supplying one communication device upon reception of a startup signal from a second communication device. One of ordinary skill in the art would have been motivated to look for a teaching for a power management system which supplies power to the communication device when there exists an access point through which communication is established.

19. Bokhorst et al. teach a wireless communication system with a power management system, which supplies power to a communication device upon detecting communication between the communication device and an access point. Bokhorst et al.

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teach that a power management device supplies electric power to the communication device if there exists an access point through which communication with the communication device is established (Col. 4 lines 27-32 and 66-67 and Col. 5 lines 1-4 and Col. 6 lines 24-35). Bokhorst et al. teaches a power management system which supplies power to a communication device when a communication link is established with a network access point.

20. It would have been obvious to one of ordinary skill in the art to combine the teachings of Kirkhart et al. and Bokhorst et al. because they both teach power management systems for communication devices. Bokhorst et al. covers the deficiency of Kirkhart et al. by teaching the detail of the power management system supplying power to the communication device when there exists an access point through which communication is established.

21. As per claims 3 and 11, Bokhorst et al. teach the claimed invention, comprising: the access point authenticates the first communication device (Col. 10 lines 34-38).

22. As per claims 4, 5, 12, and 13, Bokhorst et al. teach the claimed invention, comprising:

the power management device supplies electric power to the first communication device if a volume of communication traffic between the first communication device and the access point is greater than a predetermined volume (Col. 1 lines 53-67 and Col. 2 lines 1-6 and Col. 4 lines 27-32 and Col. 6 lines 63-57).

23. As per claim 6, 11, 14, and 17, Bokhorst et al. teach the claimed invention, comprising:

the power management device determines whether the communication device is in a communication-ready state at substantially the instant that the accessory-signal generating device is turned off (Col. 4 lines 27-32 and 66-67 and Col. 5 lines 1-4 and Col. 6 lines 24-35).

24. As per claims 7 and 15, Bokhorst et al. teach the claimed invention, comprising:
the first communication device is a wireless LAN (Figure 1 Reference character 10 and Col. 3 lines 13-14).

Conclusion

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Weinman whose phone number is (571) 272-2744. The examiner can normally be reached on Monday-Friday from 8:00-4:30.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (571) 272-3667. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sean Weinman
Examiner
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A handwritten signature in black ink, appearing to read 'Chun Cao', with a stylized, cursive script.

CHUN CAO
PRIMARY EXAMINER